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PHOENIX, ARIZ., JANUARY 18, 1905.

Can Congress Admit the Territories in Spite of the President?

Senator Morgan of Alabama made a
great speech last week, in opposition
to the joint statehood bill. He dis-
cussed not only the equities of the
question, but the law.

He advanced an extremely novel and
startling proposition, which we had
overlooked until our attention was di-
rected to it by Chief Justice Kent. It
was, in brief, to the effect that the
power to admit a territory rests solely
with congress, and that the president
is powerless to interfere. That con-
gress alone can declare war, and that
its action in that regard cannot be
prevented by the president or set aside
by the supreme court of the United
States, nearly everybody knows. But
it is distinctly surprising to learn that
the creation of states is likewise an
exclusively congressional act, as in-
tended by the constitution. Most law-
yers, probably, will be inclined to dis-
agree with the senator.

According to Senator Morgan, if the
pending bill joining Arizona and New
Mexico together should pass, a presi-
dential veto would be of no effect; it
resting with the president merely to
determine afterward, at the time named
in the bill, whether the territories
had complied with the terms of the en-
abling act. Should the constitution of
the proposed state be republican in
form, and should it be ratified and ac-
cepted by the people at the polls, it
would be the duty of the president to
make proclamation to that effect, and
the work of creating the new state
would be completed.

Senator Morgan's speech as it ap-
pears in the Congressional Record
bears evidence of much care in prepa-
ration. It occupied some two hours
in delivery, and was mainly directed
to a discussion of the constitutional ques-
tions involved. The following extract
explains the senator's position:

"Whatever absolute power congress
may have to admit a state into the
union, or to reject it, that power is not,
in any sense, the legislative power con-
ferred upon congress by the constitu-
tion. The language of this special
grant of power is, 'New states may be
admitted by the congress into the union.'
(Art. IV, sec. 3.)

"Whatever provision congress, as a
legislature, may have the right to
make in the preparation of a people
for statehood, that is not the power
by or under which the state is admit-
ted into the union. The final act, de-
cision, judgment, decree or pronounce-
ment that is requisite for the admis-
sion of a state into the union is the ex-
clusive act of the two houses of con-
gress. In which the president has no
constitutional right to participate.

"If this act admits these states into
the union now or in the future without
any further action of congress, it
would not be affected by the presi-
dent's veto or by his approval. If he
should disapprove the bill because he
objects to the provisions made for car-
rying it into execution, they would still
stand as regulations made by congress,
and if congress should admit the states
notwithstanding his objections, neither
the president nor the supreme court
could prevent either house of congress
from admitting its representatives to
seats in their respective chambers. He
has no power to disapprove this act or
any legislative provision it contains. If
the effect of the act is to admit these
states into the union without any fur-
ther action of the two houses of con-
gress."

We have not the space in which to
reproduce the reasoning which leads
Senator Morgan to this conclusion. Nor,
perhaps, would it be profitable to the
lay reader to examine the legal argu-
ment. If we had the space. The
speech is a profound production, as are
all of the set speeches of the venerable
senator from Alabama.

The point raised by Senator Morgan
is a new one, and so far no senator has
replied to it. As a matter of fact, sen-
ators are not hot-foot, generally, to en-
gage Senator Morgan in a constitu-
tional debate, notwithstanding his
eighty-one years of age. With the
possible exception of Senator Spooner
of Wisconsin, Senator Morgan is re-
garded as the ablest constitutional
lawyer in either house of congress.

The discussion of the question raised
by the Alabama senator is more acade-
mic than practical, probably, for the
reason that there is every likelihood
that the joint statehood bill will be
signed by the president in the event of
its passage by congress, but it is easy
to see what complications would arise
should Mr. Roosevelt interpose a veto.

If congress has the sole power to ad-
mit a territory, and the president of
the United States is powerless to pre-
vent it by a veto, the time may come

when the issue will be sharply raised
by action of a congress opposed, polit-
ically, to the executive.

Flaking a Scapegoat of Stoesel.

Evidence multiplies that it is the
purpose of the Russian government—
the purpose of the bureau generals, at
least—to make General Stoesel the
scapegoat of Russia's misfortunes. By
directing public attention to him and
blaming him for the fall of Port Ar-
thur, it is hoped that the general mis-
management of the war will be for-
gotten for awhile. Dispatches from St.
Petersburg for several days have been
hinting that the government is dis-
pleased with Stoesel, and that the be-
lief is current that the surrender of
Port Arthur might have been avoided
or delayed if its commandant had held
out. It is even asserted that it is the
purpose to make him face a court mar-
tial when he reaches the Russian capital.

The criticisms of Stoesel betray the
desperate need of a scapegoat. It is
pointed out that he failed to give prop-
er credit in his dispatches for the good
work performed by some of his subor-
dinates. Much is made of the news
from Tokio that the Japanese found
more than 22,000 soldiers in Port Ar-
thur fit for duty, in addition to whom
were 6,000 of the naval force, and that
2,000,000 cartridges and large quanti-
ties of provisions were surrendered.

All this does not constitute a very
formidable indictment, in the light of
the actual facts. Stoesel had to sur-
render, not because his fighting
strength was exhausted, but because
the Japanese had captured forts which
commanded the remainder of the
works and the town. To have held
out longer would have subjected the
garrison to slaughter by Japan's heavy
guns. Stoesel was charged with a
great responsibility, and it was for
him to judge when defense was no
longer possible. And as for "compli-
ments to his officers, one might judge
that he was too busy to scatter bou-
quets.

But this business of attacking Stoesel
is characteristically Russian. The
autocracy must save its face, at what-
ever cost, and gratitude and justice
have no part in the function of saving
one's face. The average Russian official
is always an oriental in all of the
essentials—especially in selfishness.

Kuropatkin, if he fails to defeat the
Japanese armies this spring, may expect
St. Petersburg to treat him as it
is treating Stoesel. No matter how
insurmountable his difficulties, he must
win, or take upon his shoulders all the
blame for the mistakes made in Rus-
sia.

Diet and Longevity.

Some individual with an investigat-
ing turn of mind has been seeking to
learn what relationship, if any, there
exists between food and longevity,
that is, whether much food or little
was conducive to lengthened life and,
in pursuit of the desired knowledge,
has collected some very interesting data.
Comparing the Scotch with the
English he finds that the rate of mor-
tality among the latter is much higher
than among the people of the north-
ern portion of the kingdom and that
the diet of the Scot, embracing all
classes, is of a much simpler nature
than that of the English.

Among those who died in Scotland
last year were 20 centenarians, one of
whom was 110 years of age, while the
census of England showed but half a
dozen who had reached the 100 mark.
Among the latter people it is custom-
ary to deny the stomach nothing that
the purse can afford and hence the
contention is made that if one desires
long life simplicity in diet should be
practiced, or, reduced to a proverb,
if you would live long, live like a
Scotchman. But it was an Irishman
who remarked that if he had to live like
a Scotchman he would die.

The compiler of the statistics quoted
lays no particular stress upon the fact
that of the 20 Scots who had lived to
be more than 100 years of age, 16 were
women, and, of these 16, 12 were wid-
ows, which latter facts, so far as men
are concerned, might take the edge off
any designs upon longevity, for, if fig-
ures lie not, and from early infancy
we have been taught to implicitly
trust in their veracity, it would indicate
that to live long one must not only
be a citizen of the land of Burns
but must be a Scotch widow, and this
latter condition is beyond the possi-
bility of attainment to a large number of
us. However, common sense as well
as collected data plainly tell us that
simplicity of diet and moderation in
other directions are conducive to the
lengthening of days, and the country in
which one happens to live has very little
to do with the matter. Hence data of
the sort submitted is of doubtful
value and proves very little more than
that some men have a great deal of
time which, not knowing how to use
in other directions, they spend in try-
ing to prove some pet theory. This
energy might be much better utilized
in sawing wood.

General Miles has been talking about
his new job in Massachusetts. "I shall
be ranking officer on duty for the gov-
ernor," he says, "and upon occasions
of public appearance it would be prop-
er for me to take precedence over the
other staff officers. But I do not an-
ticipate any trouble on that score. I
think the staff will be a 'happy family.'
My position is to be that of military
adviser to the governor. I shall begin
the work of inspection very soon. It
will be thorough, and I shall not only
look into the matters pertaining to the

staff, but also to the regiments and
companies." The general is supposed
to be busy at present, devising his
new uniform.

Echoes from Mr. Hearst's late and la-
mented campaign for the presidential
nomination are heard occasionally. Dr.
Benjamin Ide Wheeler, president of the
University of California, writes to a
friend: "Mrs. Hearst is not doing as
much as she formerly did for the uni-
versity—has cut off a lot of things—
but is still paying several salaries,
putting about \$200,000 this year into
the new mining building (a memorial
of George Hearst) and supporting the
department of anthropology. I expect,"
he continues, "that her gifts to the
university on a larger plan will be re-
sumed the coming year, when her in-
come resumes its normal condition."

President Hunt having appointed
John H. Page, republican, as chairman
of the council committee on claims, it
can be taken for granted that the dem-
ocrats of the council do not propose to
be responsible, this session, for raids
on the treasury in the guise of claims
against the territory. And we do not
think that Mr. Page and his associates
on the committee, Mike Nugent and
Benjamin Downs, will stand for any
raids.

Girl students at the Northwestern
university, Chicago, have taken up the
study and practice of jiu-jitsu, the
Japanese art of breaking your antag-
onist's bones, back or neck, as you
please, with a turn of the wrist. It is
evident that if this fad for athletics
continues to prevail among the young
women of America, we shall need be-
fore many years a statute to prevent
husband-beating.

Gratifying breadth was exhibited by
President Hunt yesterday, when he
appointed each of the republican mem-
bers of the council to a committee
chairmanship. This is the way the
people like to see business done in the
legislature. There is no occasion for
partisanship in transacting the busi-
ness of a territorial legislature.

AS TO LAND TITLES

Property Owners Should Search for
Possible Back Tax Claims.

It behooves all property owners in
this county to make an inspection of
their land titles, against the possibility
of some defect that may be established
through the enactment of the twenty-
second legislature concerning back
taxes.

Just what the provisions of the law
are it is better for each one to inform
himself either by reading it or asking
some official who knows, but the main
thing is to look at the records and see
if one's holdings are clear in respect

of taxes. Until a year ago delinquent
property was sold but the territory
could never give a title and all the
buyer could do would be to cloud the
title and wait until the owner settled
with him. Under the new law lands
on which taxes have been due for more
than a year, are proceeded against by a
law suit in the name of the treasurer
and the judgment if secured is a lien
that enables the territory to give title
to whoever shall buy.

Under this law all the property sold
for taxes years ago is in jeopardy un-
less the taxes have since been paid,
and Attorney J. H. Langston by di-
rection of the supervisors has brought
suit in a number of cases. P. K. Hick-
ey has been employed and is now en-
gaged in making out bills against all
the lands that are now in jeopardy.
Suits will be brought in all cases
where settlement is not previously
made, or errors discovered showing
that the books are wrong. This is not
being done to injure anyone on the
contrary to perfect titles and clear up
the records.

By way of illustration, A Phoenix
man, fifteen years ago bought a lot
in one of the additions to Phoenix, but
got no abstract of title at the time,
being assured the title to the entire ad-
dition was clear. He has paid the
taxes regularly ever since. Neverthe-
less he received a bill for a couple of
dollars back taxes, on a lot supposed
to belong to him. A search of the re-
cords was made and it was found that
the lot numbers were the same but that
the delinquent property was in an-
other block. He was cleared but the
real owner of the property is no doubt
still in ignorance of the fact that there
is a slight cloud on the title, through
something that occurred before he ever
owned it and which never became ef-
fective until the passing of the new
law two years ago. In most instances
these amounts are small but they are
a menace to the titles and should be
cleared up. And it is better to settle
before a suit is filed and save the ad-
ditional expense.

No doubt all owners of such property
will be notified in due season but
the sooner a person discovers the
cloud of his title and removes it, the
better off he is.

Novelty is an essential attribute of
the beautiful—especially novelty in
fashions—London Punch.

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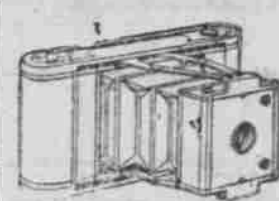
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LEGAL ADVERTISEMENTS.

DESERT LAND, FINAL PROOF—
NOTICE FOR PUBLICATION.

UNITED STATES LAND OFFICE.

Tucson, Ariz., Dec. 20, 1904.

Notice is hereby given that Peter
Kehl of Los Angeles, California, one of
the heirs of Lottie A. Kehl, deceased,
has filed notice of intention to make
proof on his desert-land claim No. 1545,
for the N. 1-2, N. 1-2 S. E. 1-4 & N.
1-2 S. W. 1-4 Sec. 25, E. 1-2 N. E. 1-4
& N. E. 1-4 S. E. 1-4 Sec. 26, and S.
W. 1-4 S. W. 1-4 Sec. 24, T. 4 S. R. 7
W., G. & S. R. B. & M. before the re-
gister and receiver at Tucson, Arizona,
on Saturday, the 28th day of January,
1905.

He names the following witnesses to
prove the complete irrigation and re-
clamation of said land: John S. An-
derson of Gila Bend, Ariz.; David G.
Whiting of Gila Bend, Ariz.; John H.
Tremble of Gila Bend, Ariz.; Edward
Marionne of Gila Bend, Ariz.
MILTON R. MOORE, Register.
First publication Dec. 24.

DEPARTMENT OF THE INTER-
IOR, United States Geological Survey,
Reclamation Service, Washington, D.
C., November 28, 1904. Sealed proposals
will be received at the office of the
United States Reclamation Service,
Phoenix, Arizona, until 9 o'clock a. m.
February 8, 1905, for the construction
of a masonry dam and two bridges on
Salt River, about 70 miles east of Phoe-
enix, Arizona. The dam will contain
about 300,000 cubic yards of masonry.
Specifications, form of proposals, and
plans may be inspected at office of the
Chief Engineer of the Reclamation Ser-
vice, Washington, D. C., or at the office
of the district engineer of the Recla-
mation Service, Roosevelt, Ariz. Each
bid must be accompanied by a cer-
tified check for \$10,000 payable to the
order of the Secretary of the Interior as
a guaranty that the bidder will, if suc-
cessful, promptly execute a satisfactory
contract and furnished bond in the sum
of \$100,000 for the faithful performance
of the work. The right is re-
served to reject any or all bids, to ac-
cept one part and reject the other, and
to waive technical defects, as the in-
terests of the service may require. Bid-
ders are invited to be present. Propo-
sals must be marked: "Proposal for the
construction of the Roosevelt Dam, Salt
River, Arizona." E. A. Hitchcock,
Secretary.

PROPOSALS FOR WATER SYS-
TEM. Department of the Interior, of-
fice of Indian Affairs, Washington, D.
C., Dec. 24, 1904. Sealed proposals
endorsed, "Proposals for Water System,
Phoenix School, Ariz.," and addressed
to the commissioner of Indian Affairs,
Washington, D. C., will be received at
the Indian office until 2 o'clock p. m.
of Thursday, Jan. 28, 1905, for fur-
nishing and delivering the necessary ma-
terials and labor required to construct
and complete a water system at the
Phoenix school, Ariz., in strict accordance
with the plans, specifications and in-
structions to bidders, which may be
examined at this office, the offices of
the builder and contractor, Los An-
geles, Cal.; the Arizona Republican,
Phoenix, Ariz.; the Chronicle, San
Francisco, Cal.; the Builders and
Traders' Exchanges at Omaha, Neb.;
Milwaukee, Wis.; St. Paul, Minn.;
Minneapolis, Minn.; the Northwestern
Manufacturers' association, St. Paul,
Minn.; the U. S. Indian Warehouses at
23 Washington street, San Francisco,
Cal.; 692 south Seventh street, St.
Louis, Mo.; 815 Howard street, Omaha,
Neb.; 265 south Canal street, Chicago,
Ill.; 119 Wooster street, New York
City, and at the school. For further
information apply to Charles W.
Goodman, superintendent, Phoenix,
Ariz. A. C. Tonner, acting commis-
sioner.

PROPOSALS FOR BRICK HOSPI-
TAL BUILDING. Department of the
Interior office of Indian Affairs, Wash-
ington D. C., Dec. 24, 1904. Sealed
proposals, endorsed "Proposals for
Hospital, Fort Mojave, Ariz.," and ad-
dressed to the commissioner of Indian
affairs, Washington, D. C., will be re-
ceived at the Indian office until 2
o'clock p. m. Thursday, Jan. 26, 1905,
for furnishing and delivering the nec-
essary materials and labor required to
construct and complete a brick hospi-
tal building with plumbing and acety-
lene gas piping, at the Fort Mojave
School, Ariz., in strict accordance with
plans and specifications and instruc-
tions to bidders, which may be exam-
ined at this office, the offices of the
Builder and Contractor, Los Angeles,
Cal.; the Arizona Republican, Phoe-
nix, Ariz.; the Chronicle, San Fran-
cisco, Cal.; the Builders and Traders'
Exchanges at Omaha, Neb.; Milwa-
ukee, Wis.; St. Paul, Minn.; and Min-
neapolis, Minn.; the Northwestern Man-
ufacturers' association, St. Paul, Minn.;
the U. S. Indian Warehouses at 265
south Canal street, Chicago, Ill.; 119
Wooster street, New York City; 815
Howard street, Omaha, Neb.; 692
south Seventh street, St. Louis, Mo.;
23 Washington street, San Francisco,
Cal., and at the school. For further
information apply to Duncan D. Mc-
Arthur, superintendent Indian school,
Mojave City, Ariz. A. C. Tonner, act-
ing commissioner.

NOTICE FOR PUBLICATION.

Homestead entry No. 4588, depart-
ment of the Interior.

Notice is hereby given that the fol-
lowing named settler has filed notice
of his intention to make final proof in
support of his claim, and that said
proof will be made before the register
and receiver at Tucson, Arizona, on
Thursday, Feb. 2, 1905, viz: William
A. Evans of Buckeye, Arizona, for the
S. 1-2, N. W. 1-4 & E. 1-2 S. W. 1-4
Sec. 12, T. 1 S., R. 5 W., G. & S. R. B.
& M.

He names the following witnesses to
prove his continuous residence upon
and cultivation of said land, viz:
Joel E. Clanton of Arlington, Ariz.;
John G. Roberts of Buckeye, Ariz.;
William B. Bruner of Buckeye, Ariz.;
Oscar B. Roberts of Phoenix, Ariz.
MILTON R. MOORE,
Register.
First publication Dec. 30, 1904.

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